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PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 15th MEETING (SECOND PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 12 August 1993, at 3 p.m.

Chairman: Mr. AL-KHASAWNEH
later: Mr. YIMER

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* The summary record of the first part of the meeting appears as document E/CN.4/Sub.2/1993/SR.15.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1993/12-14, 37; E/CN.4/Sub.2/1993/NGO 3, 5)

FREEDOM OF MOVEMENT (agenda item 18) (continued) (E/CN.4/Sub.2/1993/17)

1. Ms. BOIS (Movement against Racism and for Friendship among Peoples) said that colonialism, whether harsh or paternalistic in form, necessarily led to racism and that history had shown that the paternalistic form easily turned into the harsh form. One of the most highly developed types of paternalistic colonialism consisted of claiming that no problem existed since colonial subjects were not foreigners. In the past, Algerians had been referred to as "Muslim Frenchmen", while there was currently talk of "southern Moroccans" and "mountain Turks", and quite recently the State of Israel had attempted to maintain the illusion that there were no Palestinians but only Egyptians or Jordanians. She hoped the Sub-Commission would endeavour to put an end to colonialism in accordance with the principle of self-determination and in the interests of peace, at least in the three regions she had just cited and in the case of East Timor.

2. Mr. ALVES (Movement against Racism and for Friendship among Peoples) said that he was a Timorese who had left his country in September 1990 to flee the Indonesian occupying military after years of persecution against him and his family since the invasion of East Timor by Indonesia in 1978. Such violations continued to occur in East Timor. He described the situation of several persons recently imprisoned by the Indonesian authorities, who had been denied family visits and held in unknown or inaccessible premises under conditions harmful to their dignity and to their physical integrity. A cousin of his suffered from psychic disorders resulting from torture undergone during imprisonment on Sumbawa Island in 1979. Other Timorese prisoners had been transferred after the visit, on 8 April 1993, by Mr. Amos Wako, Special Envoy of the Secretary-General of the United Nations. Six of them were being held at Penfui prison in Kupang, Indonesia, under very harsh conditions. They were given only one meal per day, forced to perform hard labour and denied visits.

3. All the trials staged by Indonesia were illegal. The United Nations had never recognized Indonesian sovereignty over East Timor. Indonesia therefore lacked the competence and legitimacy to try Timorese citizens on charges of rebellion against a Government that occupied the territory in violation of United Nations resolutions and the Charter of the United Nations.

4. The show trial of Xanana Gusmão, leader of the Timorese resistance, was a good example of such illegality. Gusmão had initially been held incommunicado and had been prevented from choosing a defence lawyer and denied the right to speak in his own defence.

5. In addition to those sent for trial, there were many persons whose whereabouts were unknown. His organization was deeply concerned about the situation of many young Timorese who had been arrested in November 1991, after the Santa Cruz massacre, in Dili. Many of them had been taken to serve in

Indonesian battalions in Timor under slavery-like conditions. The prisoners were constantly transferred, and their families did not know their whereabouts. The International Red Cross itself had again been forced to suspend visits to Timorese prisoners, as it was prevented from contacting the majority of them. The Indonesian authorities allowed visits for propaganda purposes only.

6. The situation in East Timor was one of fear and terror: ordinary Timorese inhabitants did not have much more freedom than Timorese who were in prison. He appealed to the members of the Sub-Commission to bring pressure to bear on the Indonesian authorities to reduce human rights violations in East Timor.

7. Mrs. DE VLAMING (World University Service) said that the seminar on indicators to measure achievements in the realization of economic, social and cultural rights organized in January 1993 by the Centre for Human Rights had urged non-governmental organizations (NGOs) to become more involved with the conceptual development and the monitoring of those rights. Her organization would focus on violations of the right to education, freedom of education and academic freedom.

8. As the report of the seminar had stated, a Government that deprived its population of civil and political rights almost automatically deprived parts of its population of their economic, social and cultural rights. That statement was reflected in the results of the monitoring of violations of the right to education, freedom of education and academic freedom contained in the latest report of WUS, focusing on Burma, Malawi, Palestine, Sri Lanka and the Sudan which clearly showed that violations of the first often went hand in hand with the second.

9. The political repression of the people of Tibet affected the educational system, where the obvious discrimination against the indigenous people in favour of Chinese students had resulted in a growing illiteracy rate among Tibetan children. Discrimination in higher education was one aspect of the Chinese authorities' policy aimed at creating a second-rate citizenship.

10. The dramatic deterioration of the educational provisions in the occupied territories of the Gaza Strip and the West Bank was the result of similar policies of the Israeli authorities to keep the Palestinian population under control. Recent research indicated that the general education of Palestinian children was declining as a result of arbitrary closures of schools and obstruction of Palestinian educators' attempts to improve education in the territories.

11. In countries such as Guatemala and Peru, the authorities had tried to silence a pluralistic educational sector through killings, arbitrary arrests and disappearances of university personnel and students. WUS had reported on disappearances of students and a professor in Lima and attacks on students and academic staff in Guatemala City. Despite the appointment of Mr. Ramiro de León Carpio as President of Guatemala in June 1993, recent reports received by WUS on ongoing human rights violations indicated the need for the United Nations and the Sub-Commission to continue to scrutinize the situation and to offer full support to the new Government. She called for the

adoption of a resolution on Guatemala urging the parties involved in the internal armed conflict to re-initiate as soon as possible the negotiation process permitting the human rights agreement to come into force.

12. Ms. LACOURT (International Federation Terre des Hommes) said that her organization had for the past year been monitoring human rights policy changes by the new Philippine Government and welcomed the new peace initiatives such as the repeal of the Anti-Subversion Law, the establishment of a National Unification Commission and a National Amnesty Commission and the drafting of guidelines for the military in operations involving the evacuation of civilians.

13. Initially, the repeal of the Anti-Subversion Law had resulted in the release of more than 200 political prisoners, but twice as many had remained behind bars. The guidelines for the military evacuation of civilians were not being strictly monitored, and non-combatants continued to suffer the severe social and economic consequences of forced displacement. Former or present political prisoners and hundreds of thousands of displaced persons were often denied medical, nutritional and psychological services by the military authorities.

14. The militarization of Philippine society and the related systematic human rights violations appeared to be continuing under President Ramos. The Philippine military had been used to wage war against fellow citizens in a counter-insurgency strategy. The 1991 report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20 and Add. 1) noted the existence in the Philippines of a widespread sequence beginning with poverty and social injustice, breeding revolt or insurgency, leading to repression and militarization, in turn conducive to a rising spiral of violence and human rights violations. The violence habitually practised against unarmed civilians, broadly and ideologically identified as enemies, was reinforced by the presence of paramilitary forces, notorious for their numerous and brutal violations of human rights. The Citizens' Armed Force Geographical Units (CAFGUs), for example, had been involved in 533 cases of human rights violations in the past five years. Some of those violations occurred in the presence of members of the Philippine National Police, soldiers of the regular army or fanatical vigilante groups. They appeared to be at least tolerated and in some cases even encouraged by military or police authorities, and their attacks were chiefly aimed at defenceless civilians in rural communities. In addition, the recruitment, training and utilization of CAFGU members had been marked by many inconsistencies and errors, and elements with few qualifications or dubious motivations had been admitted. The 1993 CAFGU budget was over 70 million pesos higher than the previous year and 536 million pesos higher than the 1993 budget of the Department of Social Welfare and Development, indicating that the present Government was not planning to disband or disarm the CAFGUs. Military logic weighed more heavily in government policy-making than the fundamental needs and human rights of the vast majority of the people.

15. Over 100 reliable and respected Philippine NGOs, along with prominent members of Congress, questioned the constitutionality of the CAFGUs and their relevance in any overall and urgently needed effort to improve the socio-economic situation or address the root causes of the insurgency.

Her organization fully supported the recommendations they had already expressed to the Philippine Government on that topic. All paramilitary forces, and especially those having the support of their Government, had the potential for violating human rights, and they were not good instruments for restoring unity, mutual trust and ultimate socio-economic well-being within a divided Philippine citizenry. None of her organization's statements should be construed as minimizing the responsibility of the insurgent forces in the violations; it simply wished to address its observations to the Government regarding the Government's own military and paramilitary groups.

16. Her organization therefore asked the Sub-Commission to present the following recommendations to the Philippine Government and all other Governments concerned: 1. The CAFGUs and all other paramilitary forces should be dismantled; 2. Human rights violations committed by members of either the regular armed forces or the paramilitary forces should be investigated, their authors prosecuted and the victims indemnified; 3. The funds currently devoted to the maintenance of CAFGU operations should be allotted to urgent national socio-economic and health programmes; 4. Respect for provisions of international humanitarian law and human rights should be made a mandatory and permanent part of the training given to regular armed forces of all ranks; 5. Members of disbanded paramilitary groups and/or former soldiers should be retrained in peace and given appropriate social, medical and psychological rehabilitation; and 6. All efforts should be pursued to stop the civil war and bring the issues to civil debate, with all opinions being allowed space within democratic political structures.

17. Mr. OZDEN (Centre Europe-Tiers Monde) recalled the testimony before the Sub-Commission and the Commission on Human Rights by direct victims of human rights violations committed by Morocco. Today, he must unfortunately return to the prevailing situation in Western Sahara and the difficulty being experienced by the United Nations in implementing the peace plan in that territory. The cease-fire that had entered into force on 6 September 1991 was to have been followed by the release of civilian and military prisoners. Two years later, however, the Sahrawi military prisoners being held in Morocco had not yet been visited by ICRC, whereas ICRC had already visited numerous Moroccan soldiers being held by the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro. Numerous Sahrawi civilians were still being held in Moroccan penal colonies. His organization deeply regretted that the cease-fire had not been followed by humanitarian measures.

18. According to Commission on Human Rights resolution 1993/17, Morocco and the Frente Popular must scrupulously abide by the cease-fire and abstain from any provocative behaviour endangering the settlement plan. Although a few violations were attributable to the Frente Popular, the vast majority had been committed by Morocco, with no strong condemnation having been expressed by the Security Council. In addition, thousands of Moroccans, having been brought to Western Sahara to swell the electoral rolls, were waiting in camps set up outside the capital, El Ayoun. That fact, and the fact that the occupying power, Morocco, had organized several elections in a territory under United Nations control, were examples of provocative behaviour endangering the settlement plan.

19. However, his organization's main concern was the attitude of the United Nations and the Security Council in the face of those provocations. Such a wait-and-see approach might be addressed in the framework of the new item proposed for the Sub-Commission's agenda, the right of humanitarian intervention. A people must not be deprived of its right to self-determination in what was a classic situation of decolonization.

20. His organization hoped that the Sub-Commission would urge the Secretary-General of the United Nations to take up the cause of justice in Western Sahara and urge the Moroccan Government to accept the often sick and aged Moroccan prisoners who had been released over four years before by the Frente Popular and were rejected by Morocco despite the fact that they were Moroccan citizens. Finally, it asked the Chairman of the Sub-Commission to establish a commission of inquiry to travel to Western Sahara to collect testimony on the harsh living conditions of the Sahrawi people and the conditions of detention in the Moroccan penal colonies.

21. CETIM was also concerned by the terrorism being practised by the Iranian State both within and outside its borders. Everyone remembered the assassination on 26 April 1990, near Geneva, of Kazem Radjavi, a leading human rights advocate, whose murderers had been sent from Tehran and had held diplomatic passports. Murders of members of the Iranian opposition had also taken place in Rome and Karachi, and three members of the Iranian Kurdish opposition had been assassinated by the Iranian secret service in Berlin on 17 September 1992. Repression against the Iranian opposition abroad had recently taken a particularly disturbing turn with bombings by the Iranian army in Iraqi Kurdistan.

22. The tragic situation of women in Iran was also a subject of concern for CETIM. Numerous Iranian women had been flogged in public, leading some to commit suicide, as part of President Rafsanjani's campaign to "promote virtue and prohibit vice". CETIM called upon the Sub-Commission to convey those concerns to the General Assembly, the Commission on Human Rights and the Iranian Government and to adopt a strong resolution on the subject. It also asked the Sub-Commission to inform the competent bodies, including the Security Council, in order that appropriate and effective measures might be taken to end that very distressing situation.

23. Mr. EIDE said that Mr. Mubanga-Chipoya's recent study had been influenced by a "cold war" reality, in which the main issue had been the denial of the right to leave one's country. Problems had changed, and the right to freedom of movement within one's own country was now becoming a problem due to ethnic State formations and ethnic cleansing. Members might therefore reflect on how to address, in an additional study, problems of freedom of movement and residence.

24. Ms. OZDEN-NEORY (Centre Europe-Tiers Monde) said that two recent European Conventions, the Dublin Convention, to which the 12 members of the European Community were parties, and the Schengen Convention, to which Belgium, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal and Spain had acceded, significantly restricted the freedom of movement of nationals of non-European countries and risked seriously undermining relations between the countries of the northern and southern hemispheres. The European system

currently being developed was based on a philosophy of closure to the outside world, making it more and more difficult for foreigners to have access to the States of Europe, even in the case of asylum-seekers fleeing persecution in their countries.

25. The most obvious expression of that trend was the growing tendency to require visas and other documents for entry into the European States. Applicants were required to give proof of their resources, availability of accommodation during their stay and guarantees that they would return to their country after the stay. The complicated administrative procedures involved, in both the country of origin and the country of destination, made travel to the European countries considerably more difficult. In addition, when foreigners reached a border and there was any doubt as to the reason for their travel or the authenticity of their documents, they were systematically held in centres or camps, where they had limited legal guarantees and lived in extremely precarious health and sanitary conditions. The lack of legal guarantees led to arbitrary refoulement, against which no effective remedies existed, in violation of the European Convention on Human Rights, which the States involved had all ratified.

26. Even more distressing were the measures recently adopted to limit the number of asylum-seekers. Applicants were rejected on the ground that their applications were "manifestly ill-founded" or that they had had the possibility of seeking asylum in another country. That method was used by the European States to keep asylum-seekers as near their country of origin as possible, with the result that the burden of asylum-seekers primarily affected the countries of the African and Asian continents, i.e. the poor countries, while their number was decreasing in the European countries. The two European Conventions on freedom of movement established the principle that the country to examine the request for asylum would be the country whose territory the asylum-seeker had entered first. Thus asylum-seekers could no longer choose their host country, which was an excessive restriction on their freedom of movement and settlement.

27. The "manifestly ill-founded" criterion actually meant that the grounds for the application were examined hastily, at the border, without due procedure or legal assistance, and that any candidate not appearing to have a serious chance of being considered a refugee within the meaning of the 1951 Geneva Convention was turned back. The right of asylum was therefore curtailed in two ways: under such conditions it was difficult for asylum-seekers to demonstrate that their request was properly founded, and requests on grounds not covered in the Geneva Convention were almost automatically dismissed, even if the persons presenting them were in need of protection.

28. In addition, most European countries had introduced a "carriers' responsibility" system, required under the Schengen Convention, which imposed heavy fines on carriers transporting passengers who lacked the required documents. Transportation companies, especially airlines, therefore tended to refuse to transport asylum-seekers, which led to a violation of the principle established by the Universal Declaration of Human Rights, the right of everyone "to leave any country, including his own".

29. The States parties to the Schengen Convention had also decided to establish an information exchange system called the "Schengen Information System (SIS)", containing information on undesirable foreigners, such as those considered a threat to public order or those who had already been refused entry into the territory of one of them. A person refused entry into one of the States parties could in principle not be admitted into the territory of any of the others, and entry could be refused for reasons as innocuous as the failure to present all the required documents. The SIS was all the more dangerous for individual freedom as the user countries did not always have legislation on the protection of computerized data, and confidential information could be communicated to public and private bodies to use as they wished.

30. In conclusion, she cited the following proposals submitted in January 1993 by a European coalition of anti-racist and refugee rights groups: 1. All European countries should recognize the constitutional right of asylum contained in former article 16 of the German Constitution; 2. (a) All European countries should exempt refugees from the need to obtain a visa before travelling; 2. (b) All sanctions against airlines should be eliminated; 3. Clear and commonly accepted criteria should be established for the granting of asylum in all the European countries; 4. Those criteria should recognize the right of asylum for the victims of civil wars and the victims of persecution; 5. No European country should hold asylum-seekers in prisons, camps or detention centres, except for violations of criminal law; 6. A fair and comprehensive procedure should be introduced to determine the right to asylum; 7. The granting of asylum should include the right to settle and work in the host country; and 8. The central Governments should allocate funds to local governments for subsidizing housing, medical care and language courses for refugees.

31. Mr. WILBORN (International Commission of Jurists) said that according to Al-Haq, the West Bank affiliate of the International Commission of Jurists, the Israeli authorities had since 1967 been applying a systematic policy of restricting the movement of Palestinians within the occupied territories and their travel abroad. That movement restriction policy affected not only individuals but, on many occasions, all Palestinians within the occupied territories.

32. On 29 March 1993, the Israeli occupation authorities had declared the West Bank and Gaza Strip to be "closed military areas". Special permits to leave those areas were difficult to obtain, even for urgent medical treatment only available in East Jerusalem. Only a small number of Palestinian workers were permitted to enter Israel each day. Israel's claimed right to close its borders could not be extended to East Jerusalem, whose illegal annexation by Israel in 1967 had been repeatedly condemned by the international community. In addition, the legitimacy of the sudden closure must be judged in the context of the elaborate set of military orders created by Israel over the past 25 years, whose overall effect had been to strangle the indigenous economy of the West Bank and Gaza and to create near-total dependence on Israel. The closure had also severely restricted movement between the West Bank and the Gaza Strip and between the northern and southern portions of the West Bank. The effects of the closure included increased unemployment and

other economic devastation, and prevention of access to medical and academic institutions. The closure had suspended the General Exit Permit that had been in effect since 1972 by military order.

33. Another common form of restriction on the right to movement was the restriction on travel by Palestinians outside the country. Typically, they were either denied approval of their application to travel or turned back from the border on the day they tried to leave, with no reason provided by the authorities. The travel restriction decision was made administratively by the military commander acting on advice from the General Security Services. It was in many cases lifted after intervention by lawyers and/or human rights organizations, demonstrating that such restrictions were often arbitrary when initially imposed. In addition, certain age groups usually faced more systematic restrictions. Travel permits were often granted in return for a promise to stay outside the country for a lengthy period of time. Those cases were forms of temporary deportation prohibited by article 49 of the Fourth Geneva Convention. There had also been cases of collective travel restrictions being used to punish particular towns or villages. That measure had not been repealed and could be reapplied at any time.

34. The Israeli authorities also prevented Palestinians from moving anywhere outside their own homes by imposing curfews. Curfews were very disruptive of civil life and, according to international law, must be used sparingly and never as a punishment, reprisal or method of illegal control. In reality, however, the Israeli military authorities had routinely imposed curfews unjustifiably, with over 2,000 individual curfews in the occupied territories documented since 1967. Curfews were often extended in space and time well beyond any area or period which could be justified as security-related. In addition, the Israeli armed forces often took other measures (such as beatings and property-destroying searches) against the population while it was being held captive by a curfew.

35. Deportation was an especially drastic violation of the right to leave and return to one's home freely. Since 1967, over 1,660 Palestinians had been deported from the occupied territories; in December 1992 alone, 415 Palestinians had been deported to the "no man's land" between Israeli-occupied Lebanon and Lebanon. Despite Security Council resolution 799 (1992) calling for the deportees' return, 396 of them remained.

36. Article 49 of the Fourth Geneva Convention, which prohibited deportation, also proscribed the transfer of Israeli citizens to the occupied territories, despite which there were now well over 250,000 Israeli civilian settlers in the occupied territories, including Jerusalem. Palestinians were thus denied access to more than 60 per cent of their land, as infrastructures were built to strengthen the permanent nature of those settlements at the expense and marginalization of the Palestinian population. The control of land by settlers and their propensity to use violence against Palestinians contributed to the increasing restriction of movement that Palestinians experienced.

37. The Israeli authorities had unilaterally arrogated to themselves the authority to define the residence rights of Palestinians, regarding residence as a privilege that could be withdrawn at any time. Thousands had lost their right to remain in their home due to Israeli procedures and regulations that

violated international law, adding to the tens of thousands of divided families, already exacerbated by the authorities' rejection of requests for family reunification.

38. His organization believed that the situation in the occupied territories, including Jerusalem, merited continuing special attention. It was pleased at the appointment of the Special Rapporteur on the occupied territories and looked forward to his first report.

39. Mr. BOSSUYT, referring to the problem of asylum-seekers in the industrialized countries, said it had been established that few such persons proved to be refugees within the meaning of the 1951 Convention relating to the Status of Refugees.

40. The primary objective of any refugee policy should be to address the causes of the growth in the number of refugees worldwide, which were to be found in human rights violations and in the persistence of armed conflicts. The main cause of unjustified applications for asylum was economic underdevelopment.

41. It would of course be naive to assume that the phenomenon could be averted by focusing development assistance on those countries from which the largest number of asylum-seekers came and to consider statistics relating to applications for asylum as a form of economic barometer. However, it was undeniable that the world's economic disequilibrium was a major factor in the large number of unjustified applications for asylum and that development assistance was one means of arresting the phenomenon.

42. Asylum in the industrialized countries was under threat as a result of the huge expansion in applications. Currently, as many as 90 per cent of applicants for asylum were not refugees under the terms of the 1951 Convention. Such a huge expansion in unjustified applications was fraught with manifold dangers. Refugees ran the risk of losing the support of the public, which was shocked by the fraudulent means employed by false asylum-seekers to remain in the developed countries. Governments had to mobilize considerable resources to process applications from and to assist asylum-seekers, the vast majority of whom did not qualify as refugees, even under the most generous interpretation of the Convention. Moreover, the absence of an effective policy to remove refugees whose applications had been turned down led to the presence of a growing number of illegal aliens, who were often poorly integrated. Governments had realized that the majority of asylum-seekers whose applications were rejected remained in the country, albeit illegally, and had been forced to place obstacles in the path of asylum-seekers. The best way to guarantee the rights of legal refugees and to avert the growth of unjustified applications was a rapid and equitable procedure for determining refugee status, together with strengthened international cooperation.

43. If it were not to become inoperative, asylum procedure had to be capable of guaranteeing that no refugee actually under threat of persecution was refused asylum, and of permitting the authorities expeditiously to process applications from the large numbers of aliens who attempted to abuse asylum procedure in order to remain in the host countries as long as possible.

The administrative and judicial authorities responsible for operating that procedure had constantly to bear in mind the real raison d'être of asylum, namely to offer the necessary protection to refugees under the terms of the Convention relating to the Status of Refugees. Excessive attachment to formal considerations in no way served the cause of refugees but rather threatened to swallow them up in a bottomless pit.

44. Some of the fundamental principles of the Dublin and Schengen Conventions were unjustifiably criticized by refugee organizations. If it was appreciated that unjustified applications for asylum were the most serious threat to refugees in Western countries, there was no reason to oppose measures aimed at reducing the burden, but rather to ensure that they did not affect unjustified asylum-seekers and genuine refugees indiscriminately. Restricting the freedom of asylum-seekers to choose which European country they wished to process their application was a small price to pay for finding refuge from persecution in their country of origin, which was what really mattered.

45. It was true that different States might interpret and assess applications in different ways. However, that was always the case when a rule of law had to be interpreted, and differences could occur not only between different States, but even between or within different courts in a particular State. Whatever the case, there could be no question of allowing asylum-seekers to have their applications successively examined by 12 States.

46. The subject which caused greatest misunderstanding was the fate of unsuccessful asylum-seekers. Illegal aliens were as a rule even more poorly integrated than aliens who had been authorized to settle in the European Community. Many of them had broken the law when entering the European Community, and they could only remain there by violating other laws. Asylum-seekers whose applications had been rejected constituted a special category among illegal aliens. Although most of them were illegal immigrants, they had temporarily regularized their situation for the time necessary for their application to be processed. When their application was turned down, they were ordered to leave the territory, and by failing to do so, they swelled the ranks of illegal aliens. As a result, the number of illegal aliens within the European Community grew by tens of thousands each year.

47. Nevertheless, it would be far too simplistic to advocate the expulsion of all illegal aliens. The dilatory nature of the asylum procedure meant that thousands of them had for many years been entitled to reside temporarily. During that time, many of them had found work, learnt the local language and adjusted to the European way of life, on some occasions even better than legal aliens. Some of them had even established family ties with European citizens or with other legal residents. For those reasons, and for overriding humanitarian considerations, they could not be expelled from the Community. Attempts at regularization should benefit the innocent victims of the overburdened asylum procedure who had been legal but temporary residents for an excessively long period. However, it should not benefit those who had failed to comply with an order to leave the territory or who had engaged in delaying tactics. More particularly, it was obvious that there was no point in introducing a procedure to decide which asylum-seekers could remain in a country and which could not, if the latter remained there in any case.

48. It was by no means easy to implement a policy such as the one he had described, but it was none the less ineluctable. The more Governments procrastinated, the more clandestine immigrants they would have to deal with and the greater the likelihood that the problem would be addressed emotionally rather than rationally, thus opening the way for base demagogy which underestimated the complexity of immigration and advocated solutions that were neither humane nor socially justified.

49. Ms. KALNIETE (Observer for Latvia) said she was proud to inform the Sub-Commission that the first legislative act of the Latvian Parliament following Latvia's declaration of the reestablishment of independence had been to sign, on 4 May 1990, the declaration on the accession of the Republic of Latvia to international instruments relating to human rights. Latvia had thus demonstrated to the world its wish to return to the world community with laws that conformed to international human rights norms. To achieve that, Latvia had requested the assistance of experts and legislative architects from several international organizations and Member States whose wisdom and guidance had helped Latvia to write its new laws. Latvia believed that, together with democracy, an effective judiciary and transparency and accountability in public affairs were the most effective guarantees of human rights.

50. A knowledge of historical facts was necessary to understand the current situation in Latvia. Latvia's suffering had begun in 1939 with the signing of the Molotov-Ribbentrop Pact, with its secret protocols, and had lasted throughout the Second World War, which had only truly come to an end for Latvia in 1991 when the world community had recognized Latvia as an independent and sovereign State.

51. During those 50 years of illegal occupation, atrocities had been committed not only against Latvians, but also against members of all the groups that constituted Latvia's multinational population, including Byelorussians, Jews and Poles. Between 1940 and 1953 Latvia had lost 30 per cent of its population at the hands of its successive occupiers. She was herself one of the many nameless persons born in the frozen tundra of Siberia. During that period, the Soviet Union had transferred large numbers of people to the territory of Latvia under its Russification programme. As a result, the proportion of the population who were Latvians had fallen from 77 per cent in 1940 to 50 per cent in 1989. In the capital city of Riga, only one third of the residents were Latvians, while in Daugavpils, the figure fell to 13 per cent.

52. Although Latvia had regained its independence, it had been left with the legacy of 50 years of occupation, which also had a psychological dimension, characterized by the collective anguish of a people fearful that their culture would disappear from the earth. The legacy also included the former Soviet military, still present in Latvia in spite of agreements on their withdrawal. She underscored that there was no linkage between troop withdrawal and human rights, although several decrees and public statements by President Yeltsin together with declarations made by the Russian Parliament proved that in reality officials of the Russian Federation still linked those issues. The position of the Latvian Government was that the presence of a foreign army on the soil of an independent State, without the latter's agreement, was not only

a threat to that State's sovereignty but also a harsh violation of the population's human rights. That view had been stressed at the meeting between the Foreign Minister of Latvia and the President of the forty-seventh session of the General Assembly when they had discussed the implementation of General Assembly resolutions 47/773 concerning the situation of human rights in Estonia and Latvia and 47/21 concerning the complete withdrawal of foreign military forces from the territories of the Baltic States.

53. The Government of Latvia realized its responsibility to guarantee all the human rights enshrined in the Universal Declaration of Human Rights to all its citizens, and all permanent residents were guaranteed the right to choose their place of employment and to engage in professional activities and private business, as well as freedom of travel, speech, assembly, religious worship and choice of residence.

54. There was a common misconception regarding Latvian citizenship. Latvia had not withdrawn citizenship from those persons who had resided there since 1940. Latvian citizens had been deprived of their citizenship and automatically granted Soviet citizenship, described as Latvian Soviet citizenship, by the occupying power, in order to eliminate the sovereign State of Latvia from the map. However, the Latvian State and its citizenship had continued to exist during the occupation and one of the first legislative acts of the Latvian Parliament had been to renew the citizenship of the Republic of Latvia, thereby confirming that Latvia was not a newly independent State, but the legal successor of the Latvian State established on 18 November 1918.

55. Individuals who were not citizens of Latvia were granted the status of permanent residents and could decide themselves whether they wished to become citizens of Latvia or of another country. The newly elected Parliament was in the process of adopting legislation regarding Latvian citizenship and it was important to note that Latvia also recognized the inherent legal right of all its non-Latvian stateless residents to choose any particular foreign citizenship they wished. Former Soviet citizens in Latvia enjoyed the protection of international legal norms regarding statelessness, and the United Nations Conventions to which Latvia was a party confirmed that they were guaranteed all basic human rights and could not be deported or expelled unless they constituted a threat to national security.

56. The Government of the Russian Federation had repeatedly raised the question of the legal and social rights of active and retired personnel of the former Soviet Union's military forces in Latvia and their families. After the withdrawal of the former Soviet army from Latvia, there would still be 65,000 retired Soviet personnel in Latvia, many of whom belonged to Russian revanchist organizations. Latvia had treated those persons with unprecedented solicitude and had guaranteed them all their basic rights and the same social protection as all other residents of Latvia. However, they were no longer guaranteed the special privileges that had been granted by Moscow.

57. Latvia repeatedly had to defend its honour against groundless allegations of human rights violations. It would rather devote its intellectual resources to the development of international human rights law. It was particularly interested in the scope and implementation of mechanisms for the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and

Linguistic Minorities. In particular, there was no clear definition of "minority" in the Declaration. For Latvia, as for some other countries, that was not merely a theoretical problem.

58. Lastly, she said that the rights of foreigners was another area in which it was important for Latvia and many other European countries that international standards should be clarified. One possibility would be a convention on the rights of foreigners.

59. Mr. OSMANY (Observer for Bangladesh), speaking on agenda item 6, said that the situation that had obtained in the hill districts of Chittagong for the previous 20 years was the result of the activity of terrorists based, trained and armed outside Bangladesh, who fomented communal hatred and antagonism, thereby creating and feeding further fear and hatred on which they capitalized.

60. The enlightened policy pursued by the Government of Bangladesh to integrate tribal people within the mainstream of national political life had been commended by a special resolution of the Sub-Commission in 1989, since when there had been further positive political developments, culminating in the free and fair elections in 1991 and the establishment of a parliamentary democracy. The independent judiciary, free press and parliament of Bangladesh fully supported and defended public accountability, official transparency and good governance.

61. The Government of Bangladesh was obliged by the Constitution to uphold and enforce human rights. Despite the allegations made by politically motivated groups and individuals, mostly based outside Bangladesh, there had not been a single verdict in any court against the Government for human rights violations, nor had a single case of alleged human rights violation been brought before the Commission on Human Rights. Members of Parliament from the minority communities had never questioned the Government's will and ability to protect and uphold the rights of minorities.

62. Excesses were committed by law-enforcement agencies in all modern societies, whether developed or underdeveloped. The Government's policy towards such excesses was firm and clear and its action had been exemplary. In more than 20 years of independent existence, Bangladesh had never experienced any of the communal violence so frequent in its part of the world.

63. It was important for the international community to show wisdom and discretion when dealing with ethnic nationalism and communal differences, in order to avoid sending the wrong kind of signal to those who manipulated them. International institutions bore a heavy responsibility for supporting and sustaining the national integrity and stability of Bangladesh, and he noted that the purposes and principles of the Charter of the United Nations particularly enjoined the protection and defence of territorial integrity and independence of Member States. Human rights could not be envisaged without peace and security at the national level, and the cause of human rights could not be advanced by undermining the foundations of States Members of the United Nations, either by stoking tribal nationalism or by condoning militancy and violence by minority groups.

64. Mr. URRUTIA (Observer for Peru), speaking on agenda item 6, said that the Government of Peru had for 12 years been confronted by one of the bloodiest episodes of terrorism in the history of the world. Shining Path and the Tupac Amaru Revolutionary Movement deserved no other name than that of terrorists. Their action had left Peru on the brink of chaos, killed over 25,000 people and caused over $25 billion worth of damage.

65. The current Government had taken up the challenge of returning a country that had been on the verge of disintegration to the path of peace, security and development, and restoring hope in the future. Significant progress had been made towards pacification in the period since the previous session of the Sub-Commission in 1992.

66. Although the Government of Peru recognized that human rights violations had been committed by the police and armed forces, such violations had never constituted a systematic policy. The adoption of Decree-Laws Nos. 25,592 and 25,662, which respectively classified enforced disappearance as an offence and doubled penalties for members of the armed forces found guilty of ordinary crimes, illustrated its intent.

67. In September 1992, the leader of Shining Path had been arrested, and those very same human rights he had scorned as bourgeois and imperialist values had been respected. In November 1992, free elections had been held to appoint a Constituent Assembly responsible for drawing up a new Constitution, followed by municipal elections in January 1993, which had been held despite the threat of terrorist violence. In March 1993 an agreement had been reached between the Government and the representative of the International Committee of the Red Cross concerning visits to penal institutions throughout the country, and in April a dialogue had been instituted with NGOs forming the national coordinating body for human rights. In May the Repentance Act had been adopted, introducing reductions in the sentences of terrorists who voluntarily gave themselves up and confessed their crimes.

68. The Government of Peru acted towards international human rights organizations in a spirit of cooperation and transparency. Peru had been visited by the Inter-American Commission on Human Rights and the Special Rapporteur on summary executions, both of whom had acknowledged the progress made in the sphere of human rights. It had also been visited by NGOs such as Amnesty International and Americas Watch, to which the Government had also afforded full assistance.

69. He made special mention of the positive remarks made by the Inter-American Commission on Human Rights regarding the prison reform introduced in order to safeguard the dignity and human rights of both ordinary prisoners and terrorists. Tangible evidence of the improvement in that sphere was provided by the sharp decline in the number of complaints submitted to the special rapporteurs and working groups on enforced disappearance, extrajudicial executions and torture. The national NGO coordinating body for human rights had estimated that human rights violations had fallen by 80 per cent in 1993. Since July 1993, a computerized national database on detainees had made it possible to obtain information regarding all persons detained in Peru. That valuable innovation had been made possible by the

cooperation of the inter-American agency for development and the United Nations Institute for the Prevention of Crime and the Treatment of Offenders.

70. Peru's new Constitution was due to be put to a referendum, and he drew particular attention to the establishment of the position of ombudsman, as one of a number of legal measures designed to strengthen the independence of the judiciary. Concerning the death penalty, he said that an article prescribing the death penalty for the offences of treason in wartime and terrorism had been approved by the Constituent Congress, although the final decision in that respect would be taken in the referendum on the Constitution. In no case would the death penalty be retroactive.

71. Mr. DA SILVA (Observer for Portugal) said that the most elementary human rights were being denied in East Timor. In its resolution 1992/20, the Sub-Commission had, inter alia, called upon the Indonesian authorities to bring to justice the members of the armed forces responsible for the massacre of 12 November 1991, to provide information regarding Timorese who had disappeared, to supply the families of the victims with information on the persons who had died and the whereabouts of their remains, and to facilitate the access of humanitarian and human rights organizations to the territory. The Indonesian Government had failed to take any action in respect of those requests.

72. The root cause of the violations of human rights in East Timor was the denial of the right to self-determination. Freedom of thought, expression, assembly or association could not be respected if that basic right was denied. The arrest and trial of Xanana Gusmão, the leader of the Timorese resistance, was a case in point. Gusmão had, inter alia, been held incommunicado for 17 days, given a parody of a trial and sentenced to life imprisonment because he had opposed Indonesian authority in East Timor. Apart from the basic illegality of Indonesia's occupation of East Timor, in defiance of the Charter of the United Nations and General Assembly and Security Council resolutions, Gusmão's trial had not conformed to the standards of international law or even to the Indonesian Code of Penal Procedure. He had not been allowed to choose a lawyer to defend him and one had been imposed on him against his will.

73. The arrest of Gusmão and many other Timorese proved that Indonesia preferred the methods of repression and systematic violation of human rights to dialogue. Those practices had continued for almost 18 years, during which time more than one third of the population had died, and they were tantamount to physical, cultural and religious genocide. Furthermore, a policy of transmigration was being pursued with the aim of changing the demographic composition of the territory.

74. The situation of human rights in East Timor was far from improving. The latest United States State Department report on human rights referred to extrajudicial killings, unfair trials, torture and ill-treatment of criminal suspects, detainees and prisoners and the detention of people without charge. The Apostolic Administrator of Dili, in an interview with The New York Times, had spoken of the lack of freedom of expression and movement in East Timor.

Although some openness had been evident at the start of Gusmão's trial, the territory remained closed to the outside world. Even the International Committee of the Red Cross had drawn attention to the restrictions which prevented it from continuing its visits to Timorese political prisoners.

75. The Government of Portugal, in discharging its responsibility as the administering Power for East Timor, had always supported the efforts of the Secretary-General to arrive at a just, global and internationally acceptable settlement to the problems of East Timor. Unfortunately, the lack of will on the part of the Indonesian Government had prevented any real progress from being made to date. He hoped that Indonesia would have the good sense to recognize that a lasting solution could not be built on denying a people their freedom.

76. Mr. BEREZNY (Observer for the Russian Federation), speaking on agenda item 6, said that one of the greatest problems facing the international community was the growth of nationalism and xenophobia and the spread of the concept of ethnic purity, which undermined the universal principles of individual security and the foundations of democracy, leading to gross violations of human rights, social strife and armed conflict.

77. Those phenomena were particularly topical for the Russian Federation, in the light of the discrimination practised in a number of former republics of the USSR against ethnic Russians. The Russian Federation became concerned when complex problems were put down to the presence of a non-native population and it was suggested that their solution depended on the establishment of a monoethnic State. That issue had already been addressed by Mr. Eide, who had referred to the contrast between demos and ethnos, and to the dangers of ethnic self-determination. The pernicious consequences of such an approach were apparent from the experience of the former Yugoslavia.

78. The Russian Federation did not question the right of any State to organize its national life in accordance with its customs and traditions. It understood the efforts of Estonia and Latvia to establish their national identity. None the less, the rights of hundreds of thousands of people living in those republics were being sacrificed in an arbitrary denial of citizenship. His delegation conceded that the demographic policy of the former USSR had given rise to numerous serious problems in the Baltic States; even so, the policy in Estonia and Latvia of restoring the pre-war demographic balance was clearly serving as a pretext for aggressive nationalism.

79. The measures adopted by the authorities of Estonia and Latvia in response to the specific recommendations made by missions from the United Nations and CSCE to improve the situation of ethnic Russians failed to address the fundamental issues. It was to be hoped that those measures had not been adopted for reasons of mere expediency but marked the beginning of a trend towards the normalization of the situation of the Russian-speaking population, especially since the Aliens Act adopted by Estonia on 21 June 1993 was, in his delegation's eyes, merely cosmetic.

80. The recommendation by CSCE that Latvia should pass a law on citizenship as soon as possible had not been complied with. The lack of legal clarity

together with the approaches taken towards citizenship and the national language in present-day Latvia made arbitrariness and the creation of an ethnic State a real possibility.

81. Most important was the failure to regularize the situation of the non-native population and the flouting of their rights, which adversely influenced the situation not only in the Baltic but in the broader European sphere.

82. The situation of the approximately 3.3 million Russians in the States of Central Asia was also complex. Everywhere in Central Asia Russians were migrating back to Russia on account of the general political and economic instability and the emergence of negative attitudes towards members of other nations.

83. Recently, regard for the rights of the Russian-speaking population in a number of other States of the Community of Independent States had declined, and action was necessary to improve the situation of national minorities in Moldova. It was of course in regions of armed conflict that the worst human rights violations occurred: in the conflict between Armenia and Azerbaijan, in Tajikistan, in Georgia and in Russia's northern Caucasus, as well as other potential trouble spots.

84. One of the main reasons for the lack of improvement, and in some cases decline, in the human rights situation in some republics of the former USSR was the persisting legal vacuum in respect of human rights obligations. The majority of the new States were in no hurry to accede to the international human rights treaties to which the Soviet Union had been a party, thereby markedly weakening the legal protection their populations enjoyed; in other cases they entered reservations that had not applied to the former USSR.

85. In its resolution 1993/23 on succession of States in respect of international human rights treaties, the Commission on Human Rights encouraged successor States to confirm to appropriate depositaries that they continued to be bound by obligations under relevant international human rights treaties. Human rights treaty bodies, including the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, had also expressed that concern. In the view of the Russian Federation, the Sub-Commission should also take action in that regard.

86. Mr. MACRIS (Observer for Cyprus) said that, since his statement to the Sub-Commission at its previous session on the issue of violations of human rights in Cyprus, the negotiations on the problem of Cyprus had yielded no results. In the meantime, human rights violations were being perpetuated. Those violations were the direct result of the military invasion of Cyprus by Turkey in 1974 and the continued occupation of one third of the country by Turkish forces. The island had been artificially divided. Thousands of Greek Cypriots who had been forcibly expelled from their homes and properties in 1974 were still prevented from returning, and both Greek and Turkish Cypriots were being denied freedom of movement and residence.

87. The report of the European Commission of Human Rights adopted on 4 October 1983 and made public in April 1992 had concluded that Turkey had violated article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms by its denial of the right to return, as well as article 1 of Protocol 1 of the Convention by its confiscation of the property of the displaced people in the north of the island. The Greek Cypriots who had been allowed to remain in their homes were subjected to persistent harassment, racial discrimination, intimidation and coercion by the Turkish army, and of the original number of approximately 20,000 in 1975 only 739 remained.

88. The report of the European Commission also concluded that Turkey had violated article 5 of the European Convention through its continued unlawful deprivation of liberty of the missing Greek Cypriots who had been taken into Turkish custody in 1974 and its failure to account for them. The committee on missing persons in Cyprus established in 1981 pursuant to a United Nations resolution had produced nothing because of its time-consuming and restrictive practices and Turkey's unwillingness to provide it with any concrete evidence of the fate of missing persons. The Government of Cyprus recognized the need for more effective investigation and for new ways of strengthening that committee.

89. The effort to divide Cyprus and its people permanently along ethnic lines was a factor of particular importance in the issue of the human rights violations perpetrated in Cyprus. A policy of "ethnic cleansing" was being pursued. It consisted in the forcible expulsion of the Greek Cypriot population from the occupied part of Cyprus and the transfer of Turkish settlers from mainland Turkey, with a view to changing the demographic composition of the island. Acts of vandalism and the desecration of churches and graveyards were a common occurrence. In that connection, the European Commission had noted that the acts which violated the Convention were directed exclusively against the Greek Cypriot community, and concluded that Turkey had failed to secure the rights and freedoms set forth in the Convention without discrimination, as required by article 14 of the Convention.

90. In conclusion, he said that the application of international standards to the solution of the problem of Cyprus would restore, promote and protect the human rights and fundamental freedoms of all Cypriots.

91. Ms. GALVIS (Observer for Colombia) said that Colombia was committed to freedom and democracy and to the elimination of the complex problems of violence, drug trafficking and drug terrorism, with a view to establishing the ideal conditions for the exercise of human rights in all sectors of society. In order to establish the peace desired by both the people and the Government, the country's institutions had been restructured and modernized to adjust to the new conditions and to equip the legal system to cope with the new forms of crime and indiscriminate violence.

92. Since the new constitution had come into force, the Government had been promoting the principles embodied therein, through laws to permit better control over the situations of violence and to ensure popular participation at all levels of decision-making. In order to enhance human rights institutions, the Office of the Attorney-General of the Nation had strengthened a number of

bodies including the Offices of the Government Procurators for Human Rights, the Armed Forces and the Police and the National Commission for Human Rights established in 1990, on which civil society and NGOs were represented.

93. The Office of the Ombudsman was the most important institution established in the country for the protection and promotion of human rights. The protection division dealt with cases of violations of those rights, providing legal and institutional assistance to victims and expediting inquiries. The Office provided human rights teaching both through formal education and through the training of all sectors of society and the government officials regarding respect for human rights. It also offered advisory services and had just established a local human rights system by introducing an ombudsman in each municipality of the country. In addition, there were remedies that could be invoked by persons who considered their rights to have been violated.

94. The remedy of protection had become the leading instrument for safeguarding human rights and fundamental freedoms. It provided a channel for prompt, emergency action, it could be invoked without a lawyer and without legal formalities and it could be applied in specific cases of injustice and arbitrariness which led to violations of human rights. There were also compensation mechanisms for cases of violation of human rights.

95. In addition to the available domestic remedies, Colombia recognized the regional jurisdiction of the Inter-American Court of Human Rights and respected and executed its judgements. By submitting to all the international human rights mechanisms, on its own initiative, the Government had reaffirmed its commitment to consolidating a democracy which guaranteed the exercise of the rights of all human beings.

96. The Constitutional Court was another of the institutions established under the 1991 Constitution and it was now fully operational. A number of the decrees issued and the laws passed by the Government or the Congress had been declared unconstitutional and had therefore been unable to take effect. One example was the decree that attributed judicial powers to the armed forces.

97. The previous three administrations had engaged in a dialogue with the guerrilla groups with the result that a number of armed groups had joined the democratic process. However, the basic criteria for that process had not been respected by the guerrilla groups, which showed little interest in reaching peace agreements that involved their demobilization. On the contrary, during the latest round of negotiations, their violent acts had continued and increased, but although the formal negotiations had been broken off, informal contacts were being maintained to try and reach effective peace agreements.

98. She noted that in Colombia, no civilian was tried by a military court in any circumstances. The Government, in response to the wishes of the people, had included an article abolishing the military courts in the original draft Constitution which it had submitted to the Constituent Assembly. It was that popularly elected body, in which all strata of Colombian society were represented, that, through the very instruments of democratic participation, had maintained the military courts in the present Constitution.

99. That information had been submitted on various occasions to all the relevant human rights bodies but had still not yet been properly understood. Her delegation had noted with interest certain relevant comments made by Mr. Khalifa. States preferred objectivity and rigour to sensationalism in the compilation of the information necessary to analyse their situation. The Colombian Government welcomed any information, complaint or report that was submitted to human rights forums but asked that the facts and their context be presented in an impartial, objective and informed manner.

100. Mr. BROTODNINGROT (Observer for Indonesia), speaking on agenda item 6, said that several unfounded allegations had been made about his Government during the session and his delegation wished to set the record straight.

101. Indonesia had always cooperated readily with the United Nations Secretary-General in the use of his good offices to arrive at a comprehensive and internationally acceptable solution to the question of East Timor and had always supported dialogue and the efforts to develop confidence-building measures. The Portuguese Government, on the other hand, instead of building confidence, had used every possible forum to discredit Indonesia.

102. The Indonesian Government had received three visits by Mr. Amos Wako, the Personal Envoy of the Secretary-General, in 1991, 1992 and 1993. On the first two visits he had been received officially by the President and had held talks with several ministers and high-ranking officials. On the third visit he had had interviews with Mr. Xanana Gusmão and other detainees and held meetings with the Governor of the Province of East Timor and the Bishop of Dili. At the end of his third visit, Mr. Wako had said that developments in East Timor had substantially improved since 1992.

103. Some speakers had given distorted versions of the arrest and trial of Mr. Xanana Gusmão. Mr Gusmão had been arrested on 20 November 1992 in Dili by the Indonesian authorities and his trial had begun on 1 February 1993. He had been found guilty of serious violations of Indonesian criminal law and sentenced to life imprisonment on 21 May 1993. Contrary to Portugal's claim, Mr. Gusmão had not been charged with violating the Anti-Subversion Law.

104. During the entire process, Mr. Gusmão had not been ill-treated in any way. His rights, including the right to a lawyer of his choosing, had been fully respected. His trial had been conducted in public and in a manner consistent with international standards of fairness. It had been covered widely by the domestic and foreign press and observed by diplomats and representatives of international institutions. The allegations that Mr. Gusmão had been held incommunicado and prevented from receiving visitors were unfounded: he had in fact been visited by his relatives as well as by representatives of international institutions such as the International Committee of the Red Cross. He had been interviewed for television, without any censorship, by two Portuguese journalists and on that occasion he had stated that he was well treated.

105. With regard to paragraph 8 of Sub-Commission resolution 1992/20, concerning access to East Timor, between June 1992 and July 1993 a total of 84 diplomats and observers from at least 10 member States of the Commission on Human Rights had visited East Timor. Authorization to visit the province

had been given to several international NGOs, to international personalities and to many foreign journalists. Unfortunately, some of those visitors had been prejudiced and far from objective. While the Indonesian Government would continue to improve access to East Timor, it had an obligation to safeguard the province and to protect its people from ill-intentioned troublemakers.

106. A major development in East Timor had been the dissolution of the Military Operation Command Structure (KOLAKOPS) following the improvement in public safety and stability. Military activities were currently being conducted by the regular regional military command, and the military presence in the province was scheduled to be reduced to the normal size of two battalions.

107. He pointed out that the people of East Timor had exercised their right to self-determination by opting for integration with Indonesia on 17 July 1976 in accordance with United Nations General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV). Therefore any attempt to turn the clock back was bound to be futile. Indonesians were dedicated to building a multi-ethnic, multiracial and multi-religious and unified nation; therefore, to confuse self-determination with ethnicism was anachronistic and dangerous.

The meeting rose at 9 p.m.